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ATTORNEY DOCKET NO. 3980/72757

OCT 14 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Denisa D. Wagner and Robert C. Johnson
Serial No. 08/948,393
Filed: October 10, 1997
For: METHOD FOR TREATING AND PREVENTING ATHEROSCLEFOSIS
Examiner: K. Fonda
Art Unit: 1623

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

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GROUP 1800

Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing is the following document:
Transmitted herewith for filing is the following document:

[] Information Disclosure Statement including Form 1449
and cited references

If the enclosed papers are considered incomplete, the Mail Room
and/or the Application Branch is respectfully requested to contact
the undersigned collect at (617) 227-7111, Boston, MA.

No check is enclosed. The Commissioner is hereby authorized to
charge \$240.00 submission of an IDS fee to Deposit Account No.
19-0733. The Commissioner is hereby authorized to charge any
additional fees which may be required or credit any overpayment to
Deposit Account No. 19-0733. A duplicate of this transmittal is
enclosed.

Respectfully submitted,

By: Helen Greer
Helen Greer, Reg. No. 36,816
BANNER & WITCOFF, LTD.
28 State Street
Boston, MA 02109
Tel (617) 227-7111

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Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I - Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

The fee of \$240 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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01 FC:126 PART II - Information Cited

240.00 CM

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III - Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified).

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1440 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: Helen Greer
Helen Greer, Reg. No. 36,816
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Boston, MA 02109
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